

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico



United States of America
v.
HARLEY DAVIDSON JOE

Case No. 24MJ-690



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 5/11/2024 in the county of McKinley in the
District of New Mexico, the defendant(s) violated:

Code Section
Title 18, United States Code,
Section 1153, 113(a)(3)

Offense Description
Assault with a Dangerous Weapon in Indian Country

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Eli Grady, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/12/2024

Judge's signature

City and state: Farmington, NM

B. PAUL BRIONES, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Eli Grady, being duly sworn, state as follows:

1. This affidavit is made in support of a Criminal Complaint for HARLEY JOE , (hereinafter referred to as JOE), date of birth December 9, 1985.

2. I am a Special Agent with the FBI and have been so employed since July 2018. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency. My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state, tribal, and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute criminal complaints and search warrants issued under the authority of the United States.

3. This affidavit is based upon my personal investigation at the scene, as well as information reported to me by other federal, state, tribal, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, tribal, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of 18 U.S.C. § 1153 - Offenses committed in Indian country, and 18 U.S.C. § 113(a)(3) – Assault with a Dangerous Weapon, have been committed by JOE.

5. Because this affidavit is submitted for the limited purpose of securing authorization for the proposed warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested arrest warrant.

PROBABLE CAUSE

6. On May 11th, 2024, the Federal Bureau of Investigation (FBI), Albuquerque (AQ), Gallup Resident Agency, was contacted by Navajo Police Department (NPD) regarding a

shooting that occurred on Zuni Drive In Rd (Coordinates 35.31055N, 108.41046W) located in Gallup, New Mexico, within the exterior boundaries of the Navajo Nation Indian Reservation.

7. NPD received an emergency call regarding the shooting. In summary, caller stated: The caller; J.L., year of birth 1997 (hereinafter referred to as JOHN DOE 1), his girlfriend; M.M., year of birth 1996 (hereinafter referred to as JANE DOE) and their friend; D.D., year of birth 1995 (hereinafter referred to as JOHN DOE 2) were walking their dogs in the area of Zuni Drive In Rd, as they did on a regular basis. A vehicle, later identified as a Green Dodge pickup, bearing AZ license plate YTA27C, came driving down the road. JOHN DOE 1's two dogs began barking at the truck, but did not go towards the vehicle. The vehicle stopped in the roadway and a male, later identified as JOE, exits the vehicle and states something to the effect of, "come get your fucking dogs."

8. JOHN DOE 1 did not hear what JOE had said and responded to JOE's comment with, "What?" JOHN DOE 1 had JANE DOE take both dogs. JOE then said, "You want to fuck with me?"

9. JOHN DOE 2 noticed JOE had a handgun out and was manipulating the slide. Among other things, the slide of a semi-automatic pistol operates to load rounds into the chamber, and from that position, a bullet may be fired from the pistol. JOHN DOE 2 called over to JOHN DOE 1 telling him that JOE had the firearm. JOHN DOE 1 then saw the gun in one of JOE's hands. JOHN DOE 1 heard several shots being fired towards him and saw smoke as JOE fired the gun. JOHN DOE 1 dropped onto his back believing he had been shot.

10. On the ground, JOHN DOE 1 drew his firearm that he was carrying in an appendix holster. An appendix holster is an inside-the-waistband means of carrying a firearm. JOHN DOE 1 was able to return fire towards JOE in self-defense and in the defense of JOHN DOE 2 and JANE DOE. JOHN DOE 1 fired approximately ten shots until his firearm was empty. JOHN DOE 2 also fell or dropped to the ground. JOHN DOE 1 ran to the main road where JOHN DOE 2 had crawled to. JOHN DOE 1 then saw JOE get up and "casually" walk back to his truck. JOE entered the truck and then drove away.

11. JOHN DOE 1, JOHN DOE 2, and JANE DOE all began running to their residence as JOE did a u-turn in his vehicle to exit the area. They were unsure if JOE was returning to further harm them.

12. At the location where JOHN DOE 1 fell to the ground, Investigators located five

9mm Luger casings (Coordinates 35.315N, 108.415 W). Investigators proceeded to the area JOE was shooting from. Investigators located four 9mm Luger casings (Coordinates 35.314N, 108.415W) with blood on the roadway. The distance between the two locations of casings were separated by a significant distance.

13. Separately, and after driving away, at 1946 hours JOE called Gallup Police Department requesting an ambulance at his residence, 685 Murray Drive, Gallup, NM 87301 . JOE told dispatch he had been shot by an unknown person. No further details were provided to Investigators.

14. Emergency Medical Technicians found JOE at 685 Murray Drive, Gallup, NM 87301, and determined that he suffered a gunshot wound to the abdomen. He was transported to the Gallup Indian Medical Center where he was treated.

15. Investigators responded to 685 Murray Drive, Gallup, NM 87301 and saw a green Dodge Pickup, bearing AZ license plate YTA27C, sitting in the driveway. The driver's side window on the vehicle was rolled down and blood could be seen in plain view on the driver's seat, steering wheel and center console.

16. Investigators spoke to residents at 685 Murray Drive, who were related to JOE. They confirmed JOE lived at the residence and drove the Dodge pickup, which was owned by JOE's mother, Lorianne Joe.

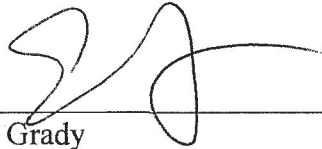
17. Information provided to law enforcement by victims and tribal police indicated JOHN DOE 1, JOHN DOE 2 and JOE are enrolled members of the Navajo Nation Indian Tribe.

CONCLUSION

18. Based on the information set forth in this affidavit, I believe there is probable cause to charge JOE with a violation of 18 U.S.C. § 1153 - Offenses committed in Indian country, and 18 U.S.C. § 113(a)(3)- Assault with a Dangerous Weapon.

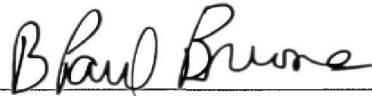
Assistant United States Attorney Alexander Flores has reviewed and approved this affidavit.

I swear that this information is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to be 'Eli Grady', written over a horizontal line.

Eli Grady
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this __12th__ day of May 2024.

A handwritten signature in black ink, appearing to be 'B. Paul Briones', written over a horizontal line.

B. PAUL BRIONES
UNITED STATES MAGISTRATE JUDGE